

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

**IN RE NEW MOTOR VEHICLES**  
**CANADIAN EXPORT ANTITRUST**  
**LITIGATION**

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**MDL Docket No. 1532**

**NOTICE TO COUNSEL AND ORDER**

I am disturbed by the repetitiveness of the defendants' motions to dismiss for lack of personal jurisdiction. By my count, six such motions with supporting memoranda and other materials have been filed. Although each defendant has specific arguments to make about its own particular jurisdictional contacts or lack thereof, the overall legal framework presented and argued in each memorandum (allegations of the amended complaint, statutory provisions and caselaw) is virtually identical. Yet only one memorandum (that of Mercedes-Benz Canada) incorporates arguments by reference to save all other counsel and the court from having to read page upon page of repetitious argument. One brief on the general issue, or incorporation by reference, is what I expected to see on an issue of this sort. I appointed lead counsel for the plaintiffs to avoid just such repetitiveness. Perhaps I will have to do the same for the defendants.

I expect the plaintiffs to respond in one legal memorandum that addresses the general issue, then the matters specific to each defendant. There will be only one reply allowed for all six defendants collectively, and it must follow the same

format. At oral argument, one lawyer will be permitted to argue the general legal issues of personal jurisdiction, and the others will be limited to their particular clients' differences.

At the hearing on January 6, 2004, I expect defendants' counsel to be in a position to assure me that this will not happen again.

Discovery remains **STAYED** until the January hearing.

**So ORDERED.**

**DATED THIS 17TH DAY OF NOVEMBER, 2003**

/s/D. BROCK HORNBY

**D. BROCK HORNBY**

**UNITED STATES DISTRICT JUDGE**

**U.S. DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CIVIL DOCKET FOR CASE #: 03-1532 (MDL)**

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